

# ***The Fort Worth Star-Telegram***

## **Grant to beef up legal aid reserves**

By Max B. Baker  
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A state foundation is giving West Texas Legal Services and the Fort Worth chapter of the NAACP more than \$1 million to help provide civil legal services to the poor.

The Texas Equal Access to Justice Foundation announced that the Fort Worth-based nonprofit groups will receive grants from funds it controls, including the Interest on Lawyers' Trust Accounts, or IOLTA, program.

West Texas Legal Services, which works with clients in 106 counties including Tarrant, Lubbock, Midland and Potter, will get about \$1.03 million. The legal aid group cleared about 8,300 cases last year.

"It is going to help us out tremendously with our program," said Kathy Duncan at West Texas Legal Services. "If it wasn't for the grant, we couldn't continue to do the work we are doing."

West Texas handles such cases as divorces, protective orders in domestic violence cases and landlord-tenant disputes. It has a staff of about 100 employees, including attorneys and support staff, in 10 branch offices.

The NAACP's Fort Worth Justice Project will get \$49,000. Officials from the group's legal assistance program were not available to comment.

Created by the Texas Supreme Court, the Equal Access foundation has distributed about \$8 million statewide. Besides the IOLTA program, the money comes from court filing fees and a state criminal victims assistance program.

In Texas, 4.2 million people qualify for legal assistance because they make at or below 120 percent of the federal poverty guideline. In Tarrant County, 204,000 people are eligible for legal aid.

The grants come at a time when funding for programs providing attorneys for the poor are in jeopardy from declining interest rates, cutbacks in federal funding and legal challenges.

"It needs to be a whole lot more," said Betty Torres, executive director of the Austin-based foundation. "Although the poverty population in Texas has increased, statewide and federal funding for this vital work is in decline."

About \$4.9 million being distributed this year comes from the IOLTA fund, which is interest earned on money paid to lawyers as retainers or to cover court costs. The funds are held in trust accounts.

Because of lower interest rates, foundation officials anticipate having only \$3.3 million in that fund next year. To make the money go further, the group persuaded 25 banks to waive service fees of about \$555,000.

As part of a national overhaul of the Legal Services Corp., the nine legal aid groups in Texas are being folded into three, creating huge agencies handling cases in dozens of counties.

On Dec. 31, West Texas Legal Services will merge with Legal Services of North Texas, which is in Dallas and covers eight counties. Renamed Northwest Texas Legal Aid, its headquarters will be in Arlington.

Created by Congress in 1974, Legal Services Corp. is frequently a budgetary target. It has been requiring states to consolidate legal aid groups in an attempt to conserve money and improve services.

The future of the IOLTA program is also in doubt.

On Dec. 9, the U.S. Supreme Court will hear arguments about the constitutionality of the IOLTA program in the state of Washington.

Opponents say the interest earned on the trust funds belongs to the clients and cannot be diverted to charitable groups without compensating their clients or getting their permission.

The 9th U.S. Circuit Court of Appeals in San Francisco ruled that the Washington fund is constitutional, while the 5th U.S. Circuit Court of Appeals in New Orleans last year ruled that Texas' fund was an improper taking of assets.